

MAR 28 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MANUEL AGUILAR-BARRAGAN,

Defendant - Appellant.

No. 07-30217

D.C. No. CR-07-06006-LRS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, District Judge, Presiding

Submitted March 18, 2008^{**}

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Manuel Aguilar-Barragan appeals from the 33-month sentence imposed following his guilty-plea conviction for being an alien in the United States after

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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deportation, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Aguilar-Barragan contends that his sentence is unreasonable. We conclude that his sentence is reasonable. *See Gall v. United States*, 128 S. Ct. 586, 597-98 (2007).

Aguilar-Barragan also contends that the district court erred by applying a 16-level Guideline enhancement after finding him removed subsequent to a prior felony conviction. We conclude that any error was harmless. *See United States v. Zepeda-Martinez*, 470 F.3d 909, 913-14 (9th Cir. 2006).

AFFIRMED.